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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/555,476

07/05/2006

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EXAMINER

COY, NICOLE A

ART UNIT

PAPER NUMBER

3672

MAIL DATE

DELIVERY MODE

03/20/2009

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/555,476	<b>Applicant(s)</b> FILIPPOV ET AL.	
	<b>Examiner</b> NICOLE COY	<b>Art Unit</b> 3672	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 12/10/08.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 8 and 9 is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☒ Claim(s) 6 and 7 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                       | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-5 are rejected under 35 U.S.C. 102(b) as being anticipated by Mackenzie WO 02/086285 (cited below from USP 7,185,701).

With respect to claim 1, Mackenzie discloses an expansion device for expanding a pipe, wherein the expansion device has a front end and a rear end, and wherein the expanding device comprises: an expansion cone (14) tapering in forward direction towards the front end of the expansion device; an anchor (36) capable of being selectively anchored to the inner surface of the pipe(12); and an actuator (16, 20, 22, 24) for moving the expansion cone in forward direction through the pipe, the actuator comprising a first member (24) connected to the expansion cone, a second member (16) axially movable relative to the first member, the second member being connected to the anchor, and hydraulic drive means (20, 22) for axially moving the first and second members relative to each other, wherein the hydraulic drive means is adapted to move the expansion cone in a forward direction through the pipe when it is desired to expand the pipe (see figure 5), and wherein the hydraulic drive means is adapted to move the first and second members relative to each other so as to move the anchor in a forward direction through the pipe when it is desired to advance the anchor through the pipe

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(wherein the hydraulic drive means is capable of moving the first and second members relative to each so as move the anchor in a forward direction).

With respect to claim 2, Mackenzie discloses that the second member (16) is an elongated cone-guide, wherein the anchor is a retrievable end anchor arranged at one end of the elongated cone-guide which end anchor is capable of cooperating with the inner surface of the pipe to prevent movement of the elongated cone-guide relative to the pipe, when, during normal operation, the expansion cone is displaced relative to the elongated cone-guide in the forward direction (see figure 5), wherein the hydraulic drive means includes an annular piston (20, 22) protruding from the elongated cone-guide, wherein the first member (24) is a cylinder slidingly arranged over the annular piston and having annular sealing rims at either end of the cylinder which define a front chamber (30) and a rear chamber (28), respectively, and wherein the actuator includes a fluid supply (see column 6 lines 26-33) for alternately supplying pressure fluid to the front chamber to displace the expansion cone in forward direction relative to the elongated cone-guide and to the rear chamber to displace the elongated cone-guide in forward direction relative to the expansion cone.

With respect to claim 3, Mackenzie discloses a middle anchor (40) joined to the expansion cone, wherein the middle anchor is capable of cooperating with the inner surface of the pipe to prevent movement of the expansion cone relative to the pipe, when, during normal operation, the elongated cone-guide is displaced relative to the expansion cone in the forward direction,

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With respect to claim 4, Mackenzie discloses a second retrievable end anchor (40) arranged at the free end of the elongated cone-guide, wherein the end anchor is capable of cooperating with the inner surface of the pipe to prevent movement of the elongated cone-guide relative to the pipe, when, during normal operation, the expansion cone is displaced relative to the elongated cone-guide in the forward direction.

With respect to claim 5, Mackenzie discloses that the fluid supply includes a front passage (30) arranged near the front of the annular piston, a rear passage (28) arranged near the rear of the annular piston, and a flow control means (32, 34) for allowing or preventing pressure fluid from flowing through the front or through the rear passage.

#### ***Allowable Subject Matter***

3. Claims 6 and 7 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

4. Claims 8 and 9 are allowed.

#### ***Response to Arguments***

5. Applicant's arguments filed 12/10/08 have been fully considered but they are not persuasive. Applicant argues that the pistons of the Mackenzie device are aligned in series and co-operate to advance the expansion cone and that Mackenzie relies on the drill string to advance the anchors. However, a recitation of the intended use of the

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claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim. In the instant case, the pistons are capable of moving the anchors. Furthermore, there is no structural differences in the claim and the Mackenzie patent. Thus, the claims are not in condition for allowance.

In addition, the Applicant argues that it would not be obvious to modify Mackenzie. First, it is noted that the drill string is not pulled up until the pistons have reached their final stroke. Thus, the hydraulic drive means is used to move the anchor, in that the hydraulic means controls when the drill string is moved, which controls the anchor. Secondly, there is no teaching away in Mackenzie from using the hydraulic means in both directions. Multiple pistons would still create additional forces even if they moved in both directions.

### ***Conclusion***

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

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extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to NICOLE COY whose telephone number is (571)272-5405. The examiner can normally be reached on M, Tu, F, and every other Wednesday from 8:30am-4pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Bagnell can be reached on 571-272-6999. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/William P Neuder/  
Primary Examiner, Art Unit 3672

nac

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